



CHILD ABUSE/NEGLECT

FC No.: 619

DATE: 12-21-15

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
- II. Scope of the Law
- III. Definitions
- IV. Procedures
- V. Reports
- VI. *Release of Police Record*
- VII. *CALEA Standards*
- VIII. Proponent Unit
- IX. Cancellation

I. Policy

- A. It is the policy of the department to promptly investigate all reports of child abuse and/or neglect and to coordinate the investigations with the Department of Health and Human Services, Child Welfare Division. It is also the policy of the department to take children into custody under appropriate circumstances.

II. Scope of the Law

- A. The Annotated Code of Maryland, Courts and Judicial Proceedings, Section 3-814 states,
 - 1. A child may be taken into custody by any of the following methods:
 - a. Pursuant to an order of the court; *or*
 - b. By a law enforcement officer *if the officer* has reasonable grounds to believe that the child is in immediate danger from *the child's* surroundings and that *the child's* removal is necessary for *the child's* protection.
 - 2. *Whenever* a law enforcement officer takes a child into custody, *the officer* shall:
 - a. Immediately notify the child's parent, guardian, or custodian;
 - b. *Immediately notify the Child Welfare Division; and*
 - c. *Keep custody of the child only until the Child Welfare Division either takes custody or authorizes release of the child unless the officer determines that it is safe to return the child to their parent, custodian or guardian.*

III. Definitions

- A. Abuse: Means:
 - 1. *Sexual abuse of a child, whether or not physical injury is sustained; or*
 - 2. *Physical injury sustained by a child as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances indicating the child's health or welfare is harmed or is at substantial risk of being harmed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child or by a household or family member.*
- B. Child: Means any individual under the age of 18 years.
- C. Family Member: Means a relative of a child by blood, adoption, or marriage.

- D. Household Member: Means a person who lives with or is a regular presence in a home of a child at the time of the alleged abuse.
- E. Neglect: Means:
1. *Leaving a child (under 18) unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:*
 - a. *That the child's health or welfare is harmed or placed at substantial risk of harm; or*
 - b. *Mental injury to the child or a substantial risk of mental injury i.e. a substantial impairment of a child's mental or psychological ability to function.*
 - c. *Neglect cannot be found every time a child is left unsupervised. Instead, that determination depends on the specific circumstances of each case which includes the gravity of the possible risk of harm; the degree of accessibility to the parent or person charged with care of the child; the length of time left unattended; the age and maturity of the child; the protective measures taken by the parent or person charged with the care of the child.*
 - d. *Substantial risk of harm requires actual injury or substantially probable threat to the victim's physical or mental welfare.*
 2. *A person who is charged with care of a child under the age of 8 years allowing the child to be locked or confined in a dwelling, building, enclosure, or motor vehicle while the person is absent and the dwelling, building, enclosure, or motor vehicle is out of sight of the person, unless the person provides a reliable person at least 13 years old to remain with the child to protect the child.*
- F. Sexual Abuse: Means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes, but is not limited to:
1. Incest, rape, or sexual offense in any degree;
 2. Sodomy;
 3. Unnatural or perverted sexual practices;
 4. **Human trafficking; and**
 5. **Allowing or encouraging a child to engage in:**
 - a. *obscene photography, films, poses, or similar activity;*
 - b. *pornographic photography, films, poses, or similar activity; or*
 - c. *prostitution.*

IV. Procedures

A. Physical Child Abuse

An officer responding to a physical child abuse call will:

1. Immediately assess the extent of the injuries and determine whether the child needs immediate medical attention. Many times internal injuries or broken bones could be involved which would not be readily recognized by non-medical personnel.
2. Conduct an interview of the child to determine the basic information of the abuse.
3. Notify the Department of Health and Human Services, Child Welfare Division, at their 24-hour answering service (240) 777-4417.
4. Take photographs of all injuries.
5. Notify the **Special Victims Investigations Division (SVID)** of all serious child abuse cases (e.g., burns, multiple welts, bruises, or marks indicating cruel, inhumane, or malicious acts). Take the child into protective custody if necessary, as determined by the **SVID** investigator. **The SVID investigator will notify the parent, custodian, or guardian of the protective custody.**
6. Document the incident on an event report and **the report approver will assign the report to the workgroup SVCAS (Special Victims Child Abuse and Sex Crimes).**

7. In all cases where criminal charges have been placed for physical child abuse, the child should be immediately taken to the hospital for medical evaluation and documentation.
8. A safety plan or shelter care will be the responsibility of the Child Welfare Division. Any officer who disagrees with the safety plan may immediately contact the supervisor on duty at **SVID**.

B. Sexual Child Abuse

An officer responding to a sexual child abuse call will:

1. Conduct a cursory interview of the victim to obtain basic information for the event report. **SVID** will be contacted and may respond after determining:
 - a. Whether the abuse occurred within past 72 hours.
 - b. If physical evidence is to be collected.
 - c. Whether the suspect still has access to the victim.
2. Take the child into protective custody, if necessary, as determined by the **SVID** investigator. ***The SVID investigator will notify the parent, custodian or guardian of the protective custody.***
3. Notify the Department of Health and Human Services, Child Welfare Division, at their 24-hour answering service (240) 777-4417.
4. ***Document the incident on an event report and the report approver will assign the report for follow-up investigation to the workgroup SVCAS (Special Victims Child Abuse and Sex Crimes). SVID and the Child Welfare Division will conduct a joint investigation.***

C. Child Neglect

An officer responding to a **child** neglect **call** will:

1. ***Conduct an interview of the child to determine the circumstances of the neglect and risk of substantial harm to the child (See definition of neglect above).***
2. Notify the Department of Health and Human Services, Child Welfare Division, at their 24-hour answering service (240) 777-4417.
3. Remain at scene and cooperate with the Child Welfare Division in an attempt to locate a parent and/or relative.
4. ***Take the child into protective custody if the officer has reasonable grounds to believe the child is in immediate danger and custody is necessary for the child's protection.***
5. In all cases of child neglect, ***document the incident on an event report and the report approver will assign the report to the workgroup SVCAS (Special Victims Child Abuse and Sex Crimes).***
6. ***Determination of shelter care/foster care placement is the responsibility of the Child Welfare Division and will be arranged for by the Child Welfare Division. Officers will take the child into protective custody, if requested by the Child Welfare Division. If an officer takes a child into protective custody, the officer shall immediately notify the child's parents, guardian, or custodian. If the officer determines it is safe to return the child to a parent, custodian or guardian, the officer can release the child to them.***

V. **Reports**

A. Indicate the following information in the narrative of a report of child abuse or neglect:

1. The circumstances that led the officer to believe that neglect and/or abuse exists. Relate how the child has been harmed or state what conditions exist to constitute neglect.
2. State the source of the information, such as personal observation, statements made by the child, parents, or persons outside the immediate family having relevant information.
3. Write at the end of the narrative "Request that **Information Management and Technology** Division (**IMTD**) send copies of the report to the State's Attorney's Office and to the Department of Health and Human Services, Child Welfare Division." ***Maryland law requires the written report be sent to each agency within 48 hours of the event.***

VI. Release of Police Record


- A. All investigative records and statements taken by police officers or Child Welfare Division staff in a child abuse investigation are confidential records. Such confidential records of a child abuse investigation can only be disclosed outside MCPD upon the direction of a court order, or the order of a State Administrative Law Judge except as follows:**
- 1. To members of the Multi-Disciplinary Team (MDT) during its work**
 - 2. To Child Welfare Division and State's Attorney's Office staff members**
 - 3. To school system representatives to carry out appropriate personnel or administrative actions following a report of suspected child abuse when the reported case of child abuse is one involving that school systems student and committed by a school employee in connection with the employees work in that school system.**
 - 4. Information contained in a Statement of Charges/charging document is considered public record and can be disclosed**

VII. CALEA Standards: Chapters 1, 41, 42, 44, 82, and 83.

VIII. Proponent Unit: Special Victims Investigations Division

IX. Cancellation

This directive cancels Function Code 619, effective date 12-16-00.



J. Thomas Manger
Chief of Police